

Investigation and Detention of Shoplifters Policy

(AP-09)

Edit Text

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At Walmart, we are committed to providing a safe shopping and working environment for our customers, members, associates and visitors. We also strive to protect our assets and profitability. To achieve these goals, we employ asset protection programs designed to deter shoplifting and in some cases, prosecute individuals that attempt or commit theft. This policy establishes the standards for investigating and detaining those suspected of such activities.

It applies to all associates who work for Walmart Inc., or one of its subsidiary companies in the United States.

Managers and supervisors should use the Supplemental Investigation and Detention Guide for additional guidance in administering this policy. Some portions of this policy may vary by state. Please check the state drop down box before applying this policy

Make Safety Your Priority

Your personal safety and the safety of our associates and customers is your top priority. Nothing in this policy supersedes the importance of protecting yourself and others from injury.

- If a Suspect is believed to **possess a weapon** or brandishes or threatens use of a weapon; **disengage** from the situation, withdraw to a safe position and contact law enforcement.
- If at any time a Suspect appears to be **under the influence** of drugs or alcohol; **disengage** from the situation, withdraw to a safe position and contact law enforcement.
- If at any time the Suspect or any other involved person becomes **violent or physically threatens violence**; **disengage** from the situation, withdraw to a safe position and contact law enforcement.
- Never restrain a Suspect or any other customer.
- Never threaten physical harm to or direct profanity at a Suspect.
- Never pat down, frisk, or search a Suspect or a Suspect's belongings (e.g., purses, bags).
- Never pursue a fleeing Suspect.
- Always summon medical personnel if any person experiences medical distress.
- Associates may only **defend themselves** or others **to the extent necessary** to disengage and withdraw from the situation.

Authorized Associates

An Authorized Associate is an associate who has been

1. Trained to comply with the requirements of this policy
2. Is in a position with an Asset Protection Associate job code (APA and APM), hourly support manager, or is a salaried manager
 - Customer Hosts are not eligible to be certified as an Authorized Associate
3. Works at a retail facility operated by Walmart Inc. (e.g., Walmart Store, Supercenter, Neighborhood Market or Sam's Club) (collectively "Facilities" or individually as "Facility")

Witness

At least one other associate (must be 18 years or older) must be present as a witness during the approach and any resulting investigation. The associate witness must remain a safe distance from the approach and investigation while maintaining the ability to see and hear the interaction between the Authorized Associate and the Suspect.

During the approach and investigation, the associate witness is not required to be the same gender as the Suspect. However, if the Suspect is detained, an associate witness 18 years of age or older and the same gender as the Suspect must be present from the time of detention until the Suspect leaves the store

Surveillance of Suspicious Behavior

Only an Authorized Associate may surveil a person who engages in behavior that reasonably suggests that the person may be attempting to shoplift ("Suspect" and "Suspicious Behavior").

Surveillance of a person must be based upon objective actions and cannot be based on race, color, religion, sex, pregnancy, national origin, age, disability, veteran status, sexual orientation, gender identity/expression or any other legally protected status.

Surveillance is only allowed in the areas of the store open to the public.

Surveillance in person, or through any other means is not permitted in restrooms or fitting rooms.

Confirmation of "Unlawful Taking"

An "Unlawful Taking" must be confirmed by one or more Authorized Associates observing each of the five acts set forth below ("Five Elements") before a Suspect may be approached.

1. **Alert Signal** - The Suspect's Suspicious Behavior must be documented.
2. **Selection** - The Suspect must select and take possession of Facility merchandise.
3. **Concealment/Dispossession** - The Suspect must either conceal or demonstrate intent to steal the merchandise.
4. **Continued Possession of the Merchandise** - Following concealment/dispossession, visual contact must be maintained in a manner sufficient to conclude the Suspect has the merchandise after passing the last point of sale.
 - o Two Authorized Associates may work jointly on the sales floor or through the use of cameras to maintain visual contact.
5. **Passing the Last Point of Sale** - The Suspect must pass the last point of sale without paying for the merchandise.

If any of the Five Elements is not observed or is otherwise questionable, the Authorized Associate should request that another member of management provide pro-active customer service prior to the Suspect reaching the last point of sale. In such a situation, there must never be an accusation of theft, concealment, or any other statement made that would suggest the Suspect is attempting to shoplift.

Approaching a Suspect

Authorized Associates may Approach a Suspect only if:

- An Authorized Associate has observed all Five Elements
- An Associate Witness is present
- The Associate Witness is able to be in a safe position while maintaining the ability to see and hear the interaction between the Authorized Associate and the Suspect
- Doing so will not place an associate or customer in an unsafe situation

The purpose of an Approach is to verify that the Suspect

- Is in possession of the Facility's merchandise
- Has not paid for the merchandise
- Does not have a reasonable explanation for passing the last point of sale without paying for the merchandise

During the Approach, the Authorized Associate and the Associate Witness must maintain a safe distance from the Suspect and any other involved parties.

All associates are prohibited from going beyond the facility's sidewalk to make an Approach or obtain additional information regarding a Suspect (e.g., license plate, direction of travel) even if directed to do so by law enforcement.

- In the absence of a sidewalk, the MAPM will establish a boundary not to extend into the crosswalk or parking area.
- If there is a high frequency of fire exit push outs, the MAPM may establish boundaries for the fire exits that are not overly intrusion into the path of traffic, or parking lot.

Decision to Detain

Only an Authorized Associate may ask a Suspect to proceed to a detention area.

- Only non-aggressive methods may be used.
- Motion and verbally instruct the Suspect to the detention area.
- If necessary, an Authorized Associate may utilize respectful, light physical contact to direct the Suspect toward the AP office or detention area. No contact beyond an open hand on the arm, shoulder or middle of the back of the Suspect is authorized.
- At all times that a Suspect is detained, an Associate Witness must be present in a safe position while maintaining the ability to see and hear the interactions between the Authorized Associate and the Suspect.
- If the Suspect fails to comply, associates must withdraw from the situation and notify local law enforcement.

Detention

Only an Authorized Associate may ask a Suspect to proceed to a detention area.

- Only non-aggressive methods may be used.
- Motion and verbally instruct the Suspect to the detention area.
- If necessary, an Authorized Associate may utilize respectful, light physical contact to direct the Suspect toward the AP office or detention area. No contact beyond an open hand on the arm, shoulder or middle of the back of the Suspect is authorized.

- At all times that a Suspect is detained, an Associate Witness must be present. **Azure Prod Author Fast**aining the ability to see and hear the interactions between the Authorized Associate and the Suspect.
- If the Suspect fails to comply, associates must withdraw from the situation and notify local law enforcement.

Personal Responsibility

Failure to comply with any aspect of this policy may result in disciplinary action, up to and including termination.

Any salaried member of management that witnesses this policy being violated or a situation that is placing the safety of another at risk is obligated to instruct the involved associate(s) to disengage and withdraw from the situation.

If you observe or become aware of this policy being violated, immediately report it to the Market Asset Protection Manager ("MAPM") and the Regional Asset Protection Director ("RAPD") for the facility.

All incidents that result in physical contact beyond what is outlined in the "Detention" section of this policy must be entered in the Incident Reporting System (IRS) within 24 hours.

- All available video related to the incident, including each of the Five Elements and any confrontation, must be preserved and retained as part of the case file.

Prosecution of Suspects

A Suspect should only be prosecuted if the Authorized Associate concludes that sufficient evidence exists to prove guilt of the Suspect beyond a reasonable doubt **and**

1. The retail value of merchandise is at or above \$25.00 **and**
2. The Suspect is at or between the ages of 16 and 65 **or**
3. Fails to produce a valid government I.D. or school I.D. **or**
4. The Suspect is a repeat shoplifter at a Walmart Facility, regardless of the value of the merchandise or the age of the Suspect **or**
5. The Suspect committed, or threatened violence, regardless of the value of the merchandise or the age of the Suspect.

Minor Suspects

Authorized Associates must only release minor Suspects to

- Their parent or guardian
- Law Enforcement

If an Authorized Associate is unable to contact a parent or guardian within 30 minutes after detaining the minor or if a parent or guardian does not arrive at the Facility within 60 minutes after notification to pick up the minor, law enforcement should be contacted regardless of the retail value of the merchandise recovered.

The decision of whether to file charges against a minor follows the decision making process stated in the "Prosecution of Suspects" section of this policy.

Trespassing a Suspect

An Authorized Associate or other manager in charge of the Facility may trespass a Suspect under this policy only when the Suspect is between the age 16 to 65 years of age and

- The Suspect is a repeat shoplifter at a Walmart Facility **or**
- The Suspect was violent, threatened violence or attempted to flee

The Trespass form must be completed by an Authorized Associate and entered into APIS.

Trespassing a person under other circumstances is reserved for facility management.

State Specific Investigation and Detention Requirements

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Statutory Limitations Regarding Detentions

Authorized Associates may only request the name and address of a suspected shoplifter and no other information shall be required of a suspected shoplifter until a police officer has taken the suspected shoplifter into custody.

Illinois

Statutory Limitations Regarding Processing Minor Shoplifting Suspects

Authorized Associates, upon detaining a suspected shoplifter, who is a minor, must immediately attempt to inform the parents, guardian or other private person interested in the welfare of that minor and, at the merchant's discretion, a peace officer, of this detention and to surrender custody of such minor to such person.

Indiana

Statutory Limitations Regarding Detentions

Detention of a suspected shoplifter may not exceed the arrival of local law enforcement or two (2) hours under any circumstances.

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

If a suspected shoplifter is detained and they are a minor, an Authorized Associate can ask the minor to identify themselves and their parents can be contacted. The shoplifter apprehension form may be completed and any concealed merchandise can be obtained. However, no verbal or written statement acknowledging theft or conversion shall be solicited from the minor until the minor has had an in person meaningful consultation with his or her parent, guardian, custodian, or guardian ad litem.

Kentucky

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

Authorized Associates may inform parents or guardians of the detention of a minor and surrender custody to a peace officer.

Louisiana

Statutory Limitations Regarding Detentions

Authorized Associates must not detain a suspected shoplifter beyond sixty (60) minutes, unless it is reasonable under the circumstances.

Maine

Statutory Limitations Regarding Detentions

Authorized Associates must not detain a suspected shoplifter for a period of time not to exceed 30 minutes.

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

In the case of a minor, a law enforcement officer or the minor's parents must be informed of the detention and custody surrendered to that person.

Minnesota

Authorized Associates must not detain a

Statutory Limitations Regarding Detentions	suspected shoplifter for a period generally not to exceed one (1) hour.
Statutory Limitations Regarding Processing of Minor Shoplifting Suspects	Minor shoplifting suspects may be detained for more than one (1) hour if the Authorized Associate is waiting to surrender the minor to parent, guardian, or police officer.
Montana	
	Authorized Associates must inform a suspected shoplifter investigated for shoplifting that the stop is for investigation of shoplifting and that upon completion of the investigation, the person will be released or turned over to the custody of a peace officer.
Statutory Limitations Regarding Detentions	Authorized Associates may only request the name and address of a suspected shoplifter and no other information shall be required of a suspected shoplifter.
	After the purpose of an investigation and/or detention has been accomplished or 30 minutes have elapsed, whichever occurs first, the Authorized Associates shall allow the person to go unless the person is arrested and turned over to the custody of a peace officer.
New Hampshire	
Statutory Limitations Regarding Detentions	Authorized Associates may reasonably detain a suspected shoplifter as long as necessary so long as that suspected shoplifter is ultimately surrendered person to a peace officer.
North Carolina	
Statutory Limitations Regarding Processing of Minor Shoplifting Suspects	If the suspected shoplifter is a minor (under the age of 18 years), the Authorized Associates, shall call or notify, or make a reasonable effort to call or notify the parent or guardian of the minor, during the period of detention.
North Dakota	
Statutory Limitations Regarding Processing of Minor Shoplifting Suspects	In the case of a detained shoplifter suspect who is a minor, Authorized Associates must inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of the detention and to surrender custody of said minor to the person informed.
Statutory Limitations Regarding Obtaining Signed Admission or Similar Declaration from Minor Shoplifting Suspects	If the merchant knows or reasonably should know that the individual believed to have committed theft is a minor, the merchant may not request that the individual sign an admission of theft or other similar declaration unless the minor's parent, guardian, or attorney is present.

Statutory Limitations Regarding Detentions

Immediately upon stopping the person, the investigating Authorized Associate shall identify himself or herself and state his or her reason for stopping the person.

The Authorized Associates may only request that the suspected shoplifter promptly identify himself or herself by name and address. Once placed under detention, no other information shall be required of the person and no written and/or signed statement shall be elicited from the person until a police officer has taken him or her into custody.

The Authorized Associates shall not detain a suspected shoplifter for a period exceeding one (1) hour.

South Dakota>

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

In the case of a detained shoplifter suspect who is a minor, Authorized Associates must notify a peace officer, a parent, or guardian of the detention, and surrender custody of the minor to the person informed.

Utah

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

In the case of a detained shoplifter suspect who is a minor, Authorized Associates must immediately inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of the detention and to surrender custody of the minor to the person informed.

Vermont

Statutory Limitations Regarding Detentions

Every detained shoplifting suspect, shall, if a telephone is available, have the right to make one local telephone call of reasonable duration. The investigating Authorized Associate shall advise the detained shoplifting suspect of this right.

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

In the case of a detained shoplifter suspect who is a minor, Authorized Associates must notify a parent, guardian or law enforcement officer of the detention and to surrender custody of the minor to the person informed.

Virginia

Statutory Limitations Regarding Detentions

Authorized Associates may not detain a suspected shoplifter longer than 60 minutes pending the arrival of a law enforcement officer.

Statutory Limitations Regarding Processing of Minor Shoplifting Suspects

In the case of a detained shoplifter suspect who is a minor, Authorized Associates may detain until law enforcement officer arrives.

Resources

For further guidance, contact:

Type	Resources	
Related Policies	Discrimination & Harassment Prevention Policy	
	Statement of Ethics Policy	
	Disciplinary Action Policy	
	Investigation and Detention of Shoplifters - Spanish version	
Form	Civil Recovery Notice	
	Trespass Form	
Guides	Investigation and Detention of Shoplifters Guide	
Contacts	For further guidance, contact	
	Facility	Contact Person
	Walmart Stores	Store Manager
		Market Asset Protection Manager
		Regional Asset Protection Director
		Divisional Asset Protection Director
	Sam's Clubs	Market Asset Protection Manager
		Regional Human Resources Director

This information does not create an express or implied contract of employment or any other contractual commitment. Walmart may modify this information at its sole discretion without notice, at any time, consistent with applicable law. Employment with Walmart is on an at-will basis, which means that either Walmart or the associate is free to terminate the employment relationship at any time for any or no reason, consistent with applicable law.

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